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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

**UNION GOSPEL MISSION OF YAKIMA,  
WASH.,**

*Plaintiff,*

v.

**ROBERT FERGUSON, ET AL.,**

*Defendants.*

Civil Case No.: 1:23-cv-03027

**DECLARATION OF JAMES JOHNSON  
IN SUPPORT OF PLAINTIFF'S  
MOTION FOR PRELIMINARY  
INJUNCTION**

I, James Johnson, hereby state and declare as follows:

1. I am over the age of eighteen and make this declaration on my personal knowledge.

2. I am the Chief Executive Officer of the Union Gospel Mission of Yakima, Wash. ("the Mission"). I have held this position since September 2018.

3. Exhibits 1 through 8 to the Verified Complaint (ECF Nos. 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 1-7, and 1-8) are true and accurate copies.

**The Mission's Religious Beliefs and Ministry**

4. The Mission was founded in 1936 to "spread the Gospel of the Lord Jesus Christ." Articles of Incorporation of the Union Gospel Mission of Yakima, Wash., a true and accurate copy filed as ECF No. 1-1.

5. The Mission exists to "provide Christ centered rescue, recovery and

1 restoration to men, women and children in need.” Constitution and Bylaws of the  
2 Yakima Union Gospel Mission, a true and accurate copy filed as ECF No. 1-3.

3 6. The Mission serves the Yakima area through its shelter, meal, and  
4 recovery services, its outreach efforts, its health clinics, and through various other  
5 programs and services.

6 7. The Mission exists to follow Christ in helping people move from  
7 homelessness to wholeness.

8 8. The Mission’s beliefs are rooted in the Holy Bible, which the Mission  
9 believes “alone is the inspired, infallible, authoritative and final Word of God;  
10 constituting unchanging truth for all people across time, place and culture.”

11 Yakima Union Gospel Mission Statement of Faith, a true and accurate copy filed  
12 as ECF No. 1-2.

13 9. The Mission’s religious beliefs guide and permeate everything the  
14 Mission does.

15 10. Every single day, the Mission provides desperately needed lodging, food,  
16 and assistance to the hungry and hurting of Yakima, regardless of who they are,  
17 what they look like, what they believe, their orientation, or how they identify.

18 11. Last fiscal year (July 1, 2021–June 30, 2022), the Mission provided a  
19 total of 30,167 nights of shelter to 881 different adults and 3,592 nights of shelter  
20 for children. During that same period, the Mission also handed out 141,629 free  
21 nutritious meals to the public.

22 12. The Mission also helps people overcome addictions and return to  
23 sobriety. The Mission’s New Life Recovery Program is a yearlong sobriety

1 program that helps restore participants' physical and spiritual health by  
2 restructuring their lives on biblical principles.

3 13. The Mission offers a Discovery Program where guests can enter into  
4 longer term housing where they can build relationships with Mission employees  
5 and learn responsibilities before committing to the New Life Program.

6 14. The Mission's Bridge Program supplies resources, case management,  
7 work experience opportunities, financial guidance, and spiritual and vocational  
8 classes to New Life Program graduates as they move on to the next chapter of their  
9 lives.

10 15. All of the recovery programs are based on the Bible and the Mission's  
11 religious beliefs.

12 16. Graduates of the Mission's faith-based recovery program are four times  
13 more likely to stay sober than they would if participating in traditional detox  
14 programs.

15 17. The Mission does not just serve those who come directly to its doors; it  
16 actively seeks out opportunities to serve. Nearly every day, its Outreach/Search  
17 and Rescue team physically visits different homeless areas of the community. The  
18 rescue team feeds, clothes, supplies, and develops relationships with the homeless;  
19 invites them into safe shelter; and strives to help transform their lives by sharing  
20 the Gospel.

21 18. The Mission performs these acts of service because its Christian beliefs  
22 instruct it to care for the homeless, hungry, sick, and impoverished.

23 19. The Mission's religious beliefs also require it to share the Gospel of Jesus

1 Christ to everyone it encounters.

2 20. It does so throughout its various programs and services, using every  
3 opportunity to spread the Gospel and to teach others about Christ.

4 21. And the Mission accomplishes this goal through its employees, who are  
5 expected to participate in this evangelism and be an example to others of what it  
6 means to be a Christian and how to strive to properly represent Christ.

7 22. The Mission's religious beliefs also teach that Christians should disciple  
8 and encourage one another in their faith and engage in personal fellowship. This  
9 means followers of Christ should be an example to others of how to live a  
10 Christian life, should help other Christians grow in their faith, should pray for each  
11 other, and should "stir up one another to love and good works." *Hebrews* 10:24–25  
12 (ESV).

13 23. So the Mission believes it must maintain an internal community of shared  
14 faith to facilitate this Christian fellowship, mentoring, and discipleship.

15 24. To help facilitate this fellowship, mentoring, and discipleship, employees  
16 attend daily corporate prayer and weekly chapel services; team members are  
17 encouraged and expected to pray for one another and share devotionals; and the  
18 Mission routinely hosts worship services and sermons.

19 25. The Mission also holds beliefs about marriage and sexuality, as stated in  
20 the Bible.

21 26. The Mission believes "God created humans in His image" and "He made  
22 humanity expressed in two complementary and immutable sexes, male and female,  
23 each displaying features of His nature." The Mission further believes, "[f]or their

1 joy and well-being, God commanded human sexual expression to be completely  
2 contained within the marriage of one man to one woman.” Yakima Union Gospel  
3 Mission Statement of Faith, a true and accurate copy filed as ECF No. 1-2.

4 27. Because the Mission believes the only proper form of sexual expression  
5 is between one man and one woman in the context of marriage, it believes all other  
6 sexual expression is immoral and sin.

7 28. The Mission expresses all of its beliefs—including these beliefs on  
8 marriage and sexuality—to everyone.

9 29. To convey a clear and consistent message to its staff and to the world, the  
10 Mission requires all employees to embrace and follow its beliefs, and it therefore  
11 prohibits them from engaging in sexually immoral conduct.

12 30. The Mission believes that holding fellow believers accountable in their  
13 Christian lives is a necessary component of discipleship and is a way to express  
14 true love for each other.

### 15 **The Mission’s Coreligionist Hiring**

16 31. Because the Mission is a Christian organization, it depends on its  
17 employees to be its hands, feet, and mouthpiece.

18 32. All employees are thus representatives and agents of the Mission for  
19 purposes of advancing its religious mission and expressing its beliefs.

20 33. The Mission employs more than 150 likeminded believers to fulfill its  
21 religious purpose.

22 34. So the Mission only employs coreligionists—those who both agree with  
23 the Mission’s Christian beliefs and practices (internally) and who align their

1 conduct with those beliefs (externally).

2 35. The Mission will not employ someone who actively engages in any  
3 behavior contrary to its religious beliefs. This includes sexually immoral conduct,  
4 such as homosexual behavior.

5 36. Potential applicants are informed both before and during the application  
6 process that the Mission is a Christian organization that expects all employees to  
7 agree with and live out the Mission's religious beliefs.

8 37. The Mission's employment webpage encourages them to apply only if  
9 they "are motivated by love, faith in Christ, and a calling to do the work of helping  
10 those in great need in our community. YUGM, Employment Webpage, a true and  
11 accurate copy attached as Exhibit 1 to this Declaration (also available at  
12 <https://yugm.org/employment/>).

13 38. Each job description similarly informs applicants that every position is  
14 part of the Mission's religious calling and therefore must be a Christ-like example  
15 to others.

16 39. The Mission's employment application asks candidates to describe their  
17 relationship with Christ, their beliefs about the Bible, and whether they agree  
18 "without reservation" to the Mission's Statement of Faith.

19 40. If a job offer is extended, applicants must then sign and agree to comply  
20 with the Mission's Statement of Faith, core values, job description duties and  
21 requirements, and employee handbook. *See* Christian Purposes Acknowledgement,  
22 a true and accurate copy filed as ECF No. 1-4.

23 41. Every year, the Mission receives numerous applications that profess

1 disagreement with—and at times open hostility to—its religious beliefs,  
2 particularly those about marriage and sexuality. *See, e.g., Ver. Compl.* ¶¶ 82–83.

3 42. The Mission screens out these applications so that only coreligionists  
4 advance in the interviewing process.

5 43. This allows the Mission to maintain a community of unified believers,  
6 helping to ensure: (a) that employees perform their jobs with a Christ-centered  
7 focus; (b) that employees are able and willing to evangelize and share the Gospel;  
8 (c) that employees engage in Christian fellowship and discipleship; and (d) that  
9 employees and guests are shielded from sinful habits, behaviors, and temptations—  
10 which is critical to the Mission’s message and to the success of the Mission’s  
11 recovery programs.

12 44. Hiring only coreligionists also guards against the risk of sending mixed  
13 or contradictory messages about the Gospel of Jesus Christ to those the Mission  
14 yearns to reach.

### 15 **The State Enforces the WLAD Against Religious Organizations**

16 45. In May 2022, Seattle Pacific University—a private Christian university—  
17 decided to retain its employee lifestyle expectation policy regarding sexual  
18 conduct. *See SPU Board of Trustees Reaches Decision on Employee Lifestyle*  
19 *Expectations*, Seattle Pacific University (May 23, 2022), [https://perma.cc/GVP9-](https://perma.cc/GVP9-NZZ8)  
20 [NZZ8](https://perma.cc/GVP9-NZZ8).

21 46. Seattle Pacific University’s policy is similar to the Mission’s in that it  
22 expects employees “to affirm SPU’s Statement of Faith and to abide by conduct  
23 standards in the Employee Handbook, including the Employee Lifestyle

1 Expectations, which states in part that employees are expected to refrain from  
2 sexual behavior that is inconsistent with the University’s understanding of Biblical  
3 standards, including cohabitation, extramarital sexual activity, and same-sex sexual  
4 activity.” *FAQs on SPU Board Decision*, Seattle Pacific University (May 23,  
5 2022), <https://perma.cc/RJ9D-YYWY>.

6 47. After the Washington Supreme Court decided *Woods v. Seattle’s Union*  
7 *Gospel Mission*, 197 Wash. 2d 231, 241–52 (2021), *cert. denied*, 142 S. Ct. 1094  
8 (2022), I learned that the Washington Attorney General began investigating Seattle  
9 Pacific University because the University’s policy prohibits employees from  
10 engaging in sexual intimacy outside of marriage between one man and one woman.

11 48. This investigation was very concerning to me because the Washington  
12 Attorney General explained that he viewed Seattle Pacific University’s employee  
13 policy as “permit[ting] or requir[ing] discrimination on the basis of sexual  
14 orientation, including by prohibiting same-sex marriage and activity.” Attorney  
15 General’s June 8, 2022 Letter to Seattle Pacific University, a true and accurate  
16 copy filed as ECF No. 1-5.

17 49. Seattle Pacific University’s policy is substantially equivalent to the  
18 Mission’s requirement that all of its employees agree with and live according to the  
19 Mission’s religious beliefs, including its beliefs on marriage and sexuality.

20 50. And like Seattle Pacific University, the Mission prohibits its employees  
21 from engaging in sexual conduct outside of biblical marriage.

22 51. The Washington Attorney General—and the State Human Rights  
23 Commission—therefore view Seattle Pacific University’s code of conduct, and the



1 Mission's similar requirements about marriage and sexuality, as discrimination  
2 under the Washington Law Against Discrimination ("the WLAD").

3 **The WLAD is Currently Harming the Mission**

4 52. The Mission employs both ministerial employees (those protected by the  
5 ministerial exception) and non-ministerial employees (those not protected by the  
6 ministerial exception).

7 53. The Mission has current openings for an IT technician and an operations  
8 assistant.

9 54. The IT technician ensures employees' IT needs are met and is the first  
10 point of contact when an issue arises from end users. Some of the IT technician's  
11 direct duties include configuring and troubleshooting endpoint devices like  
12 computers, printers, cameras, phones, and registers; offering expertise to other  
13 employees on hardware and software; running and terminating voltage cables; and  
14 creating keycards and operating the access control system. *See* Yakima Union  
15 Gospel Mission IT Technician Job Description, a true and accurate copy filed as  
16 ECF No. 1-6.

17 55. The operations assistant is responsible for assisting the Director of  
18 Operations in all aspects of operations activities. The operations assistants' direct  
19 duties include assisting in the preparation of monthly activity reports; running  
20 errands and acquiring supplies as needed; performing administrative tasks; and  
21 helping to keep operations projects updated and on track. *See* Yakima Union  
22 Gospel Mission Operations Assistant Job Description, a true and accurate copy  
23 filed as ECF No. 1-7.

1        56. Both positions are not official clergy and are primarily tasked with job  
2 duties of an “inward” nature—i.e., they mostly interact with fellow Mission  
3 employees. For instance, the IT technician primarily works hand-in-hand with  
4 other employees by assisting them with their software, hardware, and technology  
5 needs.

6        57. As such, both of these positions are not ministerial positions and  
7 therefore not protected by the ministerial exception.

8        58. The Mission intends to fill these positions with coreligionists—as it does  
9 for every position—because all employees must properly represent Christ, engage  
10 in discipleship, and advance the Mission’s Christian calling.

11       59. It is vital that these employees (and all employees) be coreligionists not  
12 only to advance the Mission’s external religious goals, but also to ensure the  
13 Mission remains a faith-based internal community, where the Mission can “be  
14 united in the same mind and the same judgment.” *I Corinthians* 1:10 (ESV).

15       60. So these positions are expected (as with all employees) to improve the  
16 reputation of Christ by personal interactions with others and to set a godly example  
17 for staff and clients. *See* ECF Nos. 1-6, 1-7.

18       61. To illustrate the importance of having coreligionist employees, consider  
19 if an IT issue were to occur. Perhaps an employee’s email is not working due to  
20 user error, disrupting their very ability to perform their job. The IT technician steps  
21 in. A *coreligionist* IT technician would be expected to assist that individual in a  
22 loving, Christ-like manner, not with foul language, impatience, or insensitivity.  
23 Take another example. A *coreligionist* IT technician would better understand (than

1 a *secular* IT technician) how the misuse of technology—perhaps, for example,  
2 employees visiting questionable websites—could damage the Mission’s religious  
3 message or its reputation as a Christian ministry.

4 62. Similarly, the operations assistant works with various Mission directors,  
5 managers, and employees to keep projects and events on track. *See* ECF No. 1-7. A  
6 *coreligionist* operations assistant would have a strong understanding of scripture  
7 and Christian values thereby ensuring those projects and events effectively  
8 advance the Mission’s religious purpose, whereas a *secular* operations assistant  
9 would lack that understanding.

10 63. Both positions must also be able to offer scriptural encouragement,  
11 prayer, or whatever is needed at the moment to other employees. They are to  
12 reflect biblical speech, a holy attitude, and an ever-growing knowledge of  
13 scripture.

14 64. But because the IT technician and operations assistant are not ministerial  
15 employees, the Mission faces substantial penalties under the WLAD for filling  
16 them with coreligionists.

17 65. The Mission can also face private lawsuits from prospective applicants  
18 for these positions if the Mission refuses to hire someone because their beliefs or  
19 lifestyle are not aligned with the Mission’s.

20 66. The Mission will not hire someone—for the IT technician position, the  
21 operations assistant position, or any other position—who does not agree with and  
22 live a lifestyle according to the Mission’s religious beliefs, including its beliefs on  
23 marriage and sexuality.

1        67. The Mission has already received applications that express disagreement  
2 with, and even hostility to, the Mission’s religious beliefs. It has received such  
3 applications for its IT technician position. *See, e.g., Ver. Compl.* ¶¶ 82–83.

4        68. To guard against the threatened fines and penalties for hiring only  
5 coreligionists under the WLAD, the Mission has removed its IT technician posting  
6 from its website and has refrained from posting its operations assistant position,  
7 which recently became open.

8        69. The Mission stopped using *Indeed.com* to advertise open positions  
9 because, shortly after the State began investigating Seattle Pacific University, the  
10 Mission faced an increased risk of WLAD enforcement after its religious hiring  
11 requirements were publicly criticized and on a nationally read website. *See Shira*  
12 *Li Bartov, Strange Thrift Store Application Asks About Beliefs on Bible,*  
13 *Homosexuality*, NEWSWEEK (Aug. 31, 2022), a true and accurate copy attached as  
14 Exhibit 2 to this Declaration (available at <https://perma.cc/WG2A-XGBE>).

15        70. The *Reddit* post that prompted the Newsweek article contained numerous  
16 comments from users that additionally placed the Mission under an imminent  
17 threat of WLAD enforcement. *See Questions on an Indeed application for a Thrift*  
18 *Shop*, *Reddit*, a true and accurate copy attached as Exhibit 3 (available at  
19 <https://perma.cc/3K87-CF7D>).

20        71. Speaking about the Mission’s employment application, one user said to  
21 “report [the Mission] to every labor board in your immediate area for incredibly  
22 illegal interview/application questions.” Another asked for a hyperlink so he/she  
23 could apply and give the Mission a “good theological thrashing.” And multiple

1 users requested the application link so they could “apply”—one even asked so  
2 he/she could apply “87 times” and to “see how batshit I can make the answers.” *Id.*

3 72. The Mission has also been threatened with physical harm to its thrift  
4 stores for hiring only coreligionists.

5 73. In an effort to be more transparent with and to further notify potential  
6 applicants of its need to hire likeminded people of faith, the Mission has adopted a  
7 Religious Hiring Statement that it intends to publish on its website. *See Religious*  
8 *Hiring Statement*, a true and accurate copy filed as ECF No. 1-8.

9 74. But the Mission cannot publish the Statement because the WLAD’s  
10 publication ban prohibits the Mission from expressing its message that employees  
11 must agree with and follow its beliefs about marriage and sexuality.

12 75. The Mission faces WLAD investigations and liability for declining to  
13 hire individuals who do not agree with, or live according to, its religious beliefs on  
14 marriage and sexuality.

15 76. But the Mission cannot further its religious calling and purpose, spread  
16 its religious message, or maintain an internal community of people of the same  
17 faith to facilitate spiritual growth and maturity if it cannot hire only coreligionists.

18 77. The Mission is thus under an imminent threat of the State enforcing the  
19 WLAD against it, as evidenced in part by the State’s enforcement of the WLAD  
20 against Seattle Pacific University for having a similar employee code of conduct.

21 78. The State’s active enforcement of the WLAD against religious  
22 organizations is thus forcing the Mission to decide between (a) following its  
23 sincerely held religious calling or (b) foregoing those beliefs to comply with the

1 WLAD to avoid punishment.

2 79. Every day, the WLAD and the State's enforcement of the WLAD forces  
3 the Mission to pick between its religious mission or complying with state law to  
4 avoid fines and penalties.

5 80. Indeed, because of this threat, the Mission has chilled its own religious  
6 activity by pausing hiring for its IT technician and operations assistant, and has  
7 chilled its own speech by pulling those postings down and not publishing its  
8 Religious Hiring Statement.

9 81. The Mission is therefore also being harmed by not being able to fill its IT  
10 technician and operations assistant positions, which it needs to do to further its  
11 operations and advance its religious mission.

12 82. The Mission desperately needs to fill its open IT technician position as  
13 soon as possible. Being unable to do so because of the threat of the WLAD is  
14 currently affecting the Mission's day-to-day operations. Should an injunction be  
15 issued protecting the Mission, I would seek to fill the position immediately.

16 83. Likewise, the Mission needs to hire an operations assistant before the  
17 start of its next fiscal year, which begins on July 1, 2023.


18 84. This harm is ongoing.

19 85. The Mission needs injunctive relief to prevent the ongoing harm and  
20 threat of imminent WLAD enforcement.

**DECLARATION UNDER PENALTY OF PERJURY**

I, James Johnson, a citizen of the United States and a resident of the State of Washington, declare under penalty of perjury under 28 U.S.C. § 1746 that the above is true and correct to the best of my knowledge.

Executed this 3<sup>rd</sup> day of April, 2023, at Yakima, WA.

  
James Johnson, Chief Executive  
Officer of the Union Gospel Mission  
of Yakima, Wash.